

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 25, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY MAY 13, 2002

AMENDED IN ASSEMBLY MAY 1, 2002

AMENDED IN ASSEMBLY APRIL 10, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2459

Introduced by Assembly Member Diaz
(Coauthors: Assembly Members Dickerson, Vargas, and Wright)
(Coauthors: Senators Johannessen and Vasconcellos)

February 21, 2002

An act to add Section 2248.5 to the Business and Professions Code and to amend Sections 109280 and 109282 of the Health and Safety Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2459, as amended, Diaz. Physicians and surgeons: prostate cancer.

Existing law requires the State Department of Health Services to develop a standardized written summary with regard to alternative methods of treatment of prostate cancer, to be printed and made available by the Medical Board of California to physicians and surgeons.

This bill would require the department to send an updated copy of the summary to the board every time the summary is modified and would require the board to make the updated summary available to its physicians and surgeons. The bill would require both the department and the board to update their Web sites every time the summary is modified.

Existing law requires that every person or entity who owns or operates a health facility or clinic or who is licensed as a physician and surgeon and rents or owns the premises where their practice is located to post specified signs or notices if prostate cancer screening or treatment is performed.

This bill would require these signs or notices to include the Web site addresses for the department and the board as well as a notice regarding the availability of an updated prostate cancer summary on these Web sites.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2248.5 is added to the Business and
2 Professions Code, to read:

3 2248.5. (a) A standardized written summary in layman's
4 language and in a language understood by patients shall be
5 developed by the State Department of Health Services ~~on the~~
6 ~~recommendation of the Cancer Advisory Council and printed and.~~
7 *The department may use existing publications from recognized*
8 *cancer authorities to develop the written summary. The written*
9 *summary shall be printed or made available by the Medical Board*
10 *of California to physicians and surgeons, concerning the*
11 *advantages, disadvantages, risks, and descriptions, of procedures*
12 *with regard to medically viable and efficacious alternative*
13 *methods of treatment of prostate cancer. Physicians and surgeons*
14 *are urged to make the summary available to patients when*
15 *appropriate.*

16 (b) The board shall post this summary on its Web site for public
17 use.

18 (c) If the State Department of Health Services updates this
19 summary, the board shall make the updated summary available to



1 its licensees and update its Web site to contain the updated
2 summary.

3 SEC. 2. Section 109280 of the Health and Safety Code is
4 amended to read:

5 109280. (a) A standardized written summary in layman's
6 language and in a language understood by patients shall be
7 developed by the department ~~on the recommendation of the~~
8 ~~Cancer Advisory Council and printed and~~. *The department may*
9 *use existing publications from recognized cancer authorities to*
10 *develop the written summary. The written summary shall be*
11 *printed or* made available by the Medical Board of California to
12 physicians and surgeons, concerning the advantages,
13 disadvantages, risks, and descriptions, of procedures with regard
14 to medically viable and efficacious alternative methods of
15 treatment of prostate cancer. Physicians and surgeons are urged to
16 make the summary available to patients when appropriate.

17 (b) The department shall post this summary on its Web site for
18 public use.

19 (c) If the department updates this summary, it shall send the
20 updated summary to the Medical Board of California and post this
21 updated summary on its Web site.

22 SEC. 3. Section 109282 of the Health and Safety Code is
23 amended to read:

24 109282. (a) Every person or entity who owns or operates a
25 health facility or a clinic, or who is licensed as a physician and
26 surgeon and rents or owns the premises where his or her practice
27 is located, shall cause a sign or notice to be posted where prostate
28 cancer screening or treatment is performed by any physician and
29 surgeon, or in a reasonably proximate area to where prostate
30 cancer screening or treatment is performed. A sign or notice posted
31 at the patient registration area of the health facility, clinic, or
32 physician and surgeon's office shall constitute compliance with
33 this section.

34 (b) The sign or notice shall read as follows:

35
36
37 "BE INFORMED"
38
39
40

1 “If you are a patient being treated for any form of prostate
2 cancer, or prior to performance of a biopsy for prostate cancer,
3 your physician and surgeon is urged to provide you a written
4 summary of alternative efficacious methods of treatment,
5 pursuant to Section 109280 of the California Health and Safety
6 Code.”

7
8 “The information about methods of treatment was developed
9 by the State Department of Health Services to inform patients of
10 the advantages, disadvantages, risks, and descriptions of
11 procedures.”

12
13 (c) The sign shall be not less than eight and one-half inches by
14 11 inches and shall be conspicuously displayed so as to be
15 readable. The words “BE INFORMED” shall not be less than
16 one-half inch in height and shall be centered on a single line with
17 no other text. The message on the sign shall appear in English,
18 Spanish, and Chinese.

19 (d) Subject to future, regular production and replacement
20 schedules from the implementation of the act adding this
21 subdivision, these signs and notices shall include the Internet Web
22 site address of the State Department of Health Services and the
23 Medical Board of California, and a notice regarding the
24 availability of updated prostate cancer summaries on these Web
25 sites.

